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Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404			ART UNIT	PAPER NUMBER
2624				
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	09/758,361	
Examiner	MURAKAMI ET AL.	
Lucas Divine	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 January 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 11 is/are allowed.
- 6) Claim(s) 1-10 and 12-30 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: Applicant has pointed out (amt page 13) that the specification details a detector at the terminal detects the presence of a person in the vicinity of the terminal and it appears as though the applicant is trying to claim the detector at the terminal. Claim 12, nevertheless, claims a single detector at the printer controller that detects whether an operator is in the vicinity of each (and all) terminals. Appropriate correction in claiming applicant's invention is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 5 and 7 – 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Muto et al. (US 6137587) hereafter as Muto.

Regarding claim 1, Muto teaches a printer controller (CPU 12, Fig. 4, controls the printer) that receives print jobs transmitted from a plurality of terminals (Fig. 4, terminals 3000, job received in S1401, Fig. 14), and instructs a printer to perform print processing

(Fig. 14, S1405), **the printer controller** (steps shown in Fig. 14 are program steps that are executed by the controller as distinct and separate actions; see col. 13 lines 60-64) **comprising:**

a detector that detects pieces of operation information (Fig. 14, S1401, wherein the print information includes information regarding a predetermined time since the user has used the machine; col. 14 lines 22-25 and lines 30-31), **each relating to a current operation state of one of the plurality of terminals** (col. 14 lines 22-25 and 30-31, Fig. 17B, wherein whether or not the user is operating the host computer frequently [operating state of use/non-use] determines what the print priority should be);

a priority determining unit that determines priority levels for a plurality of print jobs waiting to be printed (Fig. 14 S1402, col. 14 lines 1-3, which uses table 1700, Fig. 17B, that is updated in S1406, col. 14 lines 15-34, wherein the priority of a print job is determined based on what host the job is from), **a priority level of a print job determined based on a piece of operation information detected by the detector** (operation information including predetermined period of time and frequency of use is used to determine priority order; col. 14 lines 21-22 and 31-32) **from a terminal that transmitted the print job** (col. 14 line 24, wherein the information can come from the host computer); **and**

a controller that instructs the printer to process the plurality of print jobs in an order based on the determined priority levels (Fig. 14 S1405, Fig. 4 printing unit 17, wherein the job that has been determined as highest priority is outputted as instructed by the CPU 12 controlling the printer).

Regarding claim 2, which depends from claim 1, Muto further teaches **the detector detects, as the piece of operation information, a non-operational period during which the**

terminal has not been operated (col. 14 lines 21-22, predetermined period of time since last use).

Regarding claim 3, which depends from claim 2, Muto further teaches **the priority determining unit sets a higher priority level for (a) a print job from a terminal with a non-operational period that exceeds a specified value than for (b) a print job from a terminal with a non-operational period that is no more than the specified value** (Fig. 17B, col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority, for example, the 1 frequency of use of host C exceeds the *non-frequency* specified value [7] of host A and therefore has higher priority).

Regarding claim 4, which depends from claim 2, Muto further teaches **the priority determining unit sets higher priority levels for print jobs from terminals with longer non-operational periods** (Fig. 17B, col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority).

Regarding claim 5, which depends from claim 1, Muto further teaches **the detector detects each of the pieces of operation information based on a signal transmitted from each terminal** (print information is inherently an electronic signal including information that travels from host 300 to printer 1500), **each signal being generated when an input device for a terminal is operated** (the print information signal is generated when a user specifies a print command for printing a print job).

Regarding claim 7, Muto teaches **an image forming apparatus** (Fig. 4 printer 1500, as controlled by CPU 12) **that receives print jobs transmitted from a plurality of terminals**

(Fig. 4, terminals 3000, job received in S1401, Fig. 14), and performs print processing (Fig. 14, S1405), **the image forming apparatus** (steps shown in Fig. 14 are program steps that are executed by the controller as distinct and separate actions; see col. 13 lines 60-64) comprising:

an image forming unit (Fig. 4 printing unit 14) **that performs print processing corresponding to the received print jobs** (in step S1405, Fig. 14, the printing unit 17 prints the received job [received in step S1401] specified to the CPU);

a detector that detects pieces of operation information (Fig. 14, S1401, wherein the print information includes information regarding a predetermined time since the user has used the machine; col. 14 lines 22-25 and lines 30-31), **each relating to a current operation state of one of the plurality of terminals** (col. 14 lines 22-25 and 30-31, Fig. 17B, wherein whether or not the user is operating the host computer frequently [operating state of use/non-use] determines what the print priority should be);

a priority determining unit that determines priority levels for a plurality of print jobs waiting to be printed (Fig. 14 S1402, col. 14 lines 1-3, which uses table 1700, Fig. 17B, that is updated in S1406, col. 14 lines 15-34, wherein the priority of a print job is determined based on what host the job is from), **a priority level of a print job determined based on a piece of operation information detected by the detector** (operation information including predetermined period of time and frequency of use is used to determine priority order; col. 14 lines 21-22 and 31-32) **from a terminal that transmitted the print job** (col. 14 line 24, wherein the information can come from the host computer); **and**

a controller that instructs the printer to process the plurality of print jobs in an order based on the determined priority levels (Fig. 14 S1405, Fig. 4 printing unit 17, wherein

the job that has been determined as highest priority is outputted as instructed by the CPU 12 controlling the printer).

Regarding claim 8, which depends from claim 7, Muto further teaches **the detector detects, as the piece of operation information, a non-operational period during which the terminal has not been operated** (col. 14 lines 21-22, predetermined period of time since last use).

Regarding claim 9, which depends from claim 7, Muto further teaches **the detector detects each of the pieces of operation information based on a signal transmitted from each terminal** (print information is inherently an electronic signal including information that travels from host 300 to printer 1500), **each signal being generated when an input device for a terminal is operated** (the print information signal is generated when a user specifies a print command for printing a print job).

3. Claims 13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Minamizawa (US 5748337).

Regarding claim 13, Minamizawa teaches a **printer controller** (PRINT CPU 90 and FAX CPU 80 are controllers that perform control over fax device 2 in order to receive jobs and print them in image forming unit 26, Fig. 3) **that receives print jobs transmitted from a plurality of terminals** (jobs can come from other fax devices or from a computer; col. 1 lines 43-44, col. 4 lines 4-15), **and instructs a printer to perform print processing, the printer controller comprising:**

memory that stores each received print job in correspondence with information indicating a transmission origin terminal (Fig. 3, FAX RAM 84 and PRINT RAM 94 are memory that store received jobs);

a first timer that measures, for each terminal, an elapsed time since a print job was last received (col. 1 lines 55-58 and col. 8 line 9, wherein a timeout occurs when a terminal does not send data in a time period, a timer inherent to a timeout operation);

a priority determining unit that determines a priority level for each terminal according to the measured elapsed times (col. 1 lines 49-51 and col. 8 lines 8-12, wherein when a timeout occurs for a terminal because it hasn't sent data, the higher priority of that terminal is released); and

a controller that instructs the image forming unit to process the plurality of print jobs stored in the memory in an order based on the determined priority levels (PRINT CPU 90 and FAX CPU 80 in Fig. 3 control the device to print jobs based on which mode/terminal [fax or computer] is selected, Fig. 7 shows printing of data based on terminal priorities).

Regarding claim 17, Minamizawa teaches an image forming apparatus (Fig. 2) for receiving print jobs from a plurality of terminals (jobs can come from other fax devices or from a computer; col. 1 lines 43-44, col. 4 lines 4-15), **the image forming apparatus comprising:**

an image forming unit that performs print processing corresponding to the received print jobs (Fig. 3 ref. no. 26);

memory that stores each received print job in correspondence with information indicating a transmission origin terminal (Fig. 3, FAX RAM 84 and PRINT RAM 94 are memory that store received jobs);

a first timer that measures, for each terminal, an elapsed time since a print job was last received (col. 1 lines 55-58 and col. 8 line 9, wherein a timeout occurs when a terminal does not send data in a time period, a timer inherent to a timeout operation);

a priority determining unit that determines a priority level for each terminal according to the measured elapsed times (col. 1 lines 49-51 and col. 8 lines 8-12, wherein when a timeout occurs for a terminal because it hasn't sent data, the higher priority of that terminal is released); and

a controller that instructs the image forming unit to process the plurality of print jobs stored in the memory in an order based on the determined priority levels (PRINT CPU 90 and FAX CPU 80 in Fig. 3 control the device to print jobs based on which mode/terminal [fax or computer] is selected, Fig. 7 shows printing of data based on terminal priorities).

4. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Fresk et al. (US 6026258).

Regarding claim 12, Fresk teaches **a printer controller (processor 54, Fig. 2, col. 5 lines 13-14) that receives print jobs transmitted from a plurality of terminals (Fig. 1, terminals 16, 22 and 28; col. 4 lines 3-6), and controls a printer to perform print processing (printer 30, Figs. 1 and 2), the printer controller comprising:**

a detector that detects whether an operator is in a vicinity of each terminal (col. 2 lines 64-67 , Fig. 2 sensor 56, col. 5 lines 30-40, *note: since the detector is placed at the printer as part of the printer controller as claimed, it is read that the detector detects whether an operator is in a vicinity of the printer controller – see claim objection above for further explanation);*

a priority determining unit that determines priority levels for a plurality of print jobs waiting to be printed (controller gives higher priority to local jobs when a user is present; col. 3 lines 1-3 and 60-61 and col. 5 lines 3-4 and col. 5 lines 17-20), **a priority level of a print job determined based on a detection result produced by the detector for a terminal that transmitted the print job** (col. 2 lines 38-39 and col. 3 lines 1-3); and

a controller that controls the printer so that the plurality of print jobs are processed in an order based on the determined priority levels (processor 58 controls the printing of jobs, including receiving the commands from the central processor 54 about which jobs get priority [i.e. the walk up jobs reserve the printer when a user is present]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 21 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gase (US 6184996) and Muto.

Regarding claim 21, Gase teaches a printer controller 14 that receives print jobs transmitted from a plurality of terminals (Fig. 1), and controls a printer to perform print processing (col. 3 line 30), the printer controller comprising:

memory that stores each of the received print jobs (wherein the print queue 28 is implied as stored in a memory) in correspondence with information indicating a transmission origin terminal (col. 3 lines 59-62, wherein owning terminal of a job is stored along with the job information);

a transmission control unit that transmits a request signal requesting transmission of a piece of print processing information for a print job to the transmission origin terminal (col. 3 lines 25-28, wherein the controller requests print jobs from the terminal. The transmission control unit is a separate and distinct part of the server procedure from the receiving unit below as shown in the separate functionality of transmitting requests and receiving command information); and

a controller that receives the piece of print processing information transmitted from the terminal that received the request signal (col. 3 line 28, wherein the client responds to the request signal by sending back print processing information), and controls the printer so as to perform print processing of the job, based on the received piece of print processing information (col. 3 lines 29-30, wherein the print file is printed based on the information returned from the client terminal).

While Gase teaches a printing system with print information and print jobs being printed based on priority, Gase does not specifically teach that the piece of print processing information relates to a current operation state of one of the plurality of terminals.

Muto teaches printing a print job in a priority based system (see Figs. 4, 14, and 17A) with a print job that includes a the piece of print processing information relates to a current operation state of one of the plurality of terminals (col. 14 lines 22-25 and 27-30, Fig. 17A, wherein whether or not the user is operating the host computer frequently [operating state of use/non-use] determines what the print priority should be).

It would have been obvious to one of ordinary skill in the art to include the operation state of a terminal in the print job information as taught by Muto in the system of Gase. The motivation for doing so would have been to have a more specific priority setting scheme, including preventing a host computer having an interface with a high transfer rate from being waited by a specific interface with a low transfer rate, thereby allowing efficient use of resources (Muto col. 14 lines 35-40) by giving priority to devices that are used more often (see Fig. 17A of Muto). For example, it is beneficial to allow a user who is operating the machine many times for print processing frequently because there is a higher chance they need the documents.

Regarding claim 22, which depends from claim 21, Gase further teaches that **the piece of print processing information is a piece of processing priority information indicating a processing priority level of a print job** (col. 3 lines 33-36, wherein the responding information from the client terminals are commands that rearrange print priority in the print queue 28).

Regarding claim 23, which depends from claim 22, Gase further teaches that **the piece of processing priority information is input by an operator into a terminal input device** (these information commands discussed in the rejection of claim 22 are generated via user operation of the client machines using the buttons 60, 62, 64, 66, and 68 in Fig. 4).

Regarding claim 24, which depends from claim 22, Muto further teaches **the piece of processing priority information is generated according to an amount of time during which an operator has not operated a terminal** (col. 14 lines 21-22, predetermined period of time since last use is included in print job information which would have been obvious to include as discussed in the rejection to claim 21, which is used in the frequency of use calculations of Fig. 17A).

Regarding claim 25, which depends from claim 21, Gase further teaches that **the transmission control unit transmits the request signal when the printer is available to process a new print job** (col. 3 lines 25-30, wherein it is implied that the print controller to wait until the printer was available to request the print data information from the client terminal in order to save space at the print controller).

Regarding claim 26, the limitations of claim 26 are the same as the limitations of independent claim 21 except the limitations below. The limitations that are the same as claim 21 are taught by Gase and Muto and are rejected for the same reasons as discussed in the rejection of claim 21.

Gase further teaches an **image forming apparatus** 14, which includes the print controller 24, that has **an image forming unit that performs print processing corresponding to the received print jobs** (the image forming apparatus 14 includes an information forming unit to complete the printing of print jobs submitted to it, further shown in col. 4 lines 62-46, wherein the apparatus prints a scanned image file).

Regarding claim 27, which depends from claim 26, claim 27 includes all of the limitations of claim 22 as taught by Gase and Muto, and is therefore rejected for the same reasons as the rejection of claim 22.

Regarding claim 28, which depends from claim 26, claim 28 includes all of the limitations of claim 25 as taught by Gase and Muto, and is therefore rejected for the same reasons as the rejection of claim 25.

Regarding claim 29, Gase teaches a terminal 12 that transmits print jobs to a printer controller (col. 3 line 25, wherein it is implied for the terminal to transmit jobs that are received by the printer controller), **the terminal comprising:**

an information generating unit that generates a piece of print processing information indicating processing of a print job that has already been transmitted to the printer controller (col. 3 lines 27-30, wherein the client terminal generates the text information of print job that has already been sent to the printer controller in line 25);

a reception control unit that receives a request signal requesting the transmission of the piece of print processing information from the printer controller (col. 3 line 27, wherein it is implied that the client terminal has a reception control unit in order to accept the requests from the printer controller); **and**

a transmission control unit that transmits the piece of print processing information generated when the request signal is received, in response to the request signal (col. 3 line 29, wherein the responding is a transmission of the processing information).

While Gase teaches a printing system with print information and print jobs being printed based on priority, Gase does not specifically teach that the piece of print processing information relates to a current operation state of one of the plurality of terminals.

Muto teaches printing a print job in a priority based system (see Figs. 4, 14, and 17A) with a print job that includes a the piece of print processing information relates to a current operation state of one of the plurality of terminals (col. 14 lines 22-25 and 27-30, Fig. 17A, wherein whether or not the user is operating the host computer frequently [operating state of use/non-use] determines what the print priority should be).

It would have been obvious to one of ordinary skill in the art to include the operation state of a terminal in the print job information as taught by Muto in the system of Gase. The motivation for doing so would have been to have a more specific priority setting scheme, including preventing a host computer having an interface with a high transfer rate from being waited by a specific interface with a low transfer rate, thereby allowing efficient use of resources (Muto col. 14 lines 35-40) by giving priority to devices that are used more often (see Fig. 17A of Muto). For example, it is beneficial to allow a user who is operating the machine many times for print processing frequently because there is a higher chance they need the documents.

Regarding claim 30, which depends from claim 29, claim 30 includes all of the limitations of claim 22 as taught by Gase and Muto, and is therefore rejected for the same reasons as the rejection of claim 22.

6. Claims 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamizawa as applied to claims 13 and 17 above, and further in view of Muto.

Regarding claims 14 and 15, which depend from claim 13, Minamizawa does not specifically teach the priority determining unit sets a higher priority level for (a) a print job from a terminal with an elapsed time exceeding a specified value than for (b) a print job from a terminal with an elapsed time no more than the specified value or the priority determining unit sets higher priority levels for print jobs from terminals with longer elapsed times.

Muto teaches **the priority determining unit sets a higher priority level for (a) a print job from a terminal with an elapsed time exceeding a specified value than for (b) a print job from a terminal with an elapsed time no more than the specified value** (Fig. 17B; col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority, for example, the 1 frequency of use of host C exceeds the *non-frequency* specified value [7] of host A and therefore has higher priority) **and the priority determining unit sets higher priority levels for print jobs from terminals with longer elapsed times** (Fig. 17B, col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority).

It would have been obvious to one of ordinary skill in the art to give higher priority to devices and jobs that call for printing less often. The motivation for doing so would have been to more equally allow the use of the printing device. For example, if one user (high frequency user) has 100 print jobs sent to a device, and another person only has sent one (low frequency user), it would be beneficial to allow the 1 job to complete so that user can continue with their work instead of waiting for all the 100 jobs to complete of the high frequency user.

Regarding claims 18 and 19, which depend from claim 17, Minamizawa does not specifically teach the priority determining unit sets a higher priority level for (a) a print job from a terminal with an elapsed time exceeding a specified value than for (b) a print job from a terminal with an elapsed time no more than the specified value or the priority determining unit sets higher priority levels for print jobs from terminals with longer elapsed times.

Muto teaches **the priority determining unit sets a higher priority level for (a) a print job from a terminal with an elapsed time exceeding a specified value than for (b) a print job from a terminal with an elapsed time no more than the specified value** (Fig. 17B, col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority, for example, the 1 frequency of use of host C exceeds the *non-frequency* specified value [7] of host A and therefore has higher priority) **and the priority determining unit sets higher priority levels for print jobs from terminals with longer elapsed times** (Fig. 17B, col. 14 lines 31-32, wherein host machines that have less frequency of use have a higher printing priority).

It would have been obvious to one of ordinary skill in the art to give higher priority to devices and jobs that call for printing less often. The motivation for doing so would have been to more equally allow the use of the printing device. For example, if one user (high frequency user) has 100 print jobs sent to a device, and another person only has sent one (low frequency user), it would be beneficial to allow the 1 job to complete so that user can continue with their work instead of waiting for all the 100 jobs to complete of the high frequency user.

Art Unit: 2624

7. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muto as applied to claims 1 and 7 above, and further in view of Akabori et al. (US 5940582).

Regarding claims 6 and 10, which depend from claims 1 and 7, Muto does not teach an elapsed time measuring unit for measuring an elapsed time since each print job was received, wherein the priority determining unit changes the priority level of a print job when a corresponding measured elapsed time exceeds a specified value.

Akabori teaches an elapsed time since unit for measuring an elapsed time since each print job was received (Fig. 4 ref. nos. 83 and 84 and Fig. 12 ref. no. 231 and Fig. 21, wherein timers tracking the arrival, current wait time, and execution time for all jobs for use in timing calculations taught throughout Akabori -- calculation examples at col. 8 lines 4 and 49 and col. 10 line 8 -- are implied in the disclosed invention), wherein the priority determining unit changes the priority level of a print job when a corresponding measured elapsed time exceeds a specified value (Fig. 12 ref. nos. 233 and 236, wherein a job is given interrupt priority if the specified end time is exceeded).

It would have been obvious to one of ordinary skill in the art to include the print job timing system of Akabori in the printing system of Muto. The motivation for doing so would have been to allow the user more control over the timing of their print jobs and to allow the oldest jobs in the system to be completed. Thus, a fair printing system can be attained where one user does not have to worry about their job being held forever.

8. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minamizawa as applied to claims 13 and 17 above, and further in view of Akabori.

Regarding claims 16 and 20, which depend from claims 13 and 17, Minamizawa does not teach an elapsed time measuring unit for measuring an elapsed time since each print job was received, wherein the priority determining unit changes the priority level of a print job when a corresponding measured elapsed time exceeds a specified value.

Akabori teaches an elapsed time since unit for measuring an elapsed time since each print job was received (Fig. 4 ref. nos. 83 and 84 and Fig. 12 ref. no. 231 and Fig. 21, wherein timers tracking the arrival, current wait time, and execution time for all jobs for use in timing calculations taught throughout Akabori -- calculation examples at col. 8 lines 4 and 49 and col. 10 line 8 -- are implied in the disclosed invention), wherein the priority determining unit changes the priority level of a print job when a corresponding measured elapsed time exceeds a specified value (Fig. 12 ref. nos. 233 and 236, wherein a job is given interrupt priority if the specified end time is exceeded).

It would have been obvious to one of ordinary skill in the art to include the print job timing system of Akabori in the printing system of Minamizawa. The motivation for doing so would have been to allow the user more control over the timing of their print jobs and to allow the oldest jobs in the system to be completed. Thus, a fair printing system can be attained where one user does not have to worry about their job being held forever.

Allowable Subject Matter

9. Claim 11 is allowed.

Response to Arguments

Art Unit: 2624

10. Applicant's arguments, see arguments, filed 1/7/05, with respect to the 112, first paragraph, rejection on claim 12. have been fully considered and are persuasive. The rejection of claim 12 has been withdrawn, but an objection still remains as stated above. Applicant has pointed out (amt page 13) that the specification details a detector at the terminal detects the presence of a person in the vicinity of the terminal and it appears as though the applicant is trying to claim the detector at the terminal. Claim 12, nevertheless, claims a single detector at the printer controller that detects whether an operator is in the vicinity of each (and all) terminals. Appropriate correction in claiming applicant's invention is required.

11. Applicant's arguments, see arguments, filed 1/7/05, with respect to the rejection(s) of claim(s) 1 – 10 and 12 – 30 under 35 U.S.C. § 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Muto, Gase, Minamizawa, and Fresk as rejected above.

12. Applicant's arguments, see arguments, filed 1/7/05, with respect to claim 11 have been fully considered and are persuasive. The 35 U.S.C. § 103 rejection of claim 11 has been withdrawn.

Conclusion

Art Unit: 2624

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 571-272-7432. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lucas Divine
Examiner
Art Unit 2624

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PRIMARY EXAMINER